

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- V. -

RAFAEL ESPINAL,  
a/k/a "Francis,"

Defendant.

## INFORMATION

S1 07 Cr. 615

USDC SDNY  
DOCUMENT  
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COUNT ONE

The United States Attorney charges:

1. From at least in or about 2003 up to and including on or about March 5, 2007, in the Southern District of New York and elsewhere, RAFAEL ESPINAL, a/k/a "Francis," the defendant, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RAFAEL ESPINAL, a/k/a "Francis," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

The United States Attorney further charges:

3. From at least in or about 1999 up to and including in or about 2000, in the Southern District of New York and elsewhere, RAFAEL ESPINAL, a/k/a "Francis," the defendant, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that RAFAEL ESPINAL, a/k/a "Francis," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT THREE

The United States Attorney further charges:

5. From at least in or about 1999 up to and including in or about 2000, in the Southern District of New York and elsewhere, RAFAEL ESPINAL, a/k/a "Francis," the defendant, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together

and with each other to violate the narcotics laws of the United States.

6. It was a part and an object of the conspiracy that RAFAEL ESPINAL, a/k/a "Francis," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

#### FORFEITURE ALLEGATION

7. As a result of committing the offenses alleged in Counts One through Three of this Information, RAFAEL ESPINAL, a/k/a "Francis," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the narcotics trafficking offenses, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One through Three of this Information, including but not limited to the following:


a. A sum of money representing the proceeds obtained as a result of the offenses alleged in this Information.

Substitute Assets Provision

8. If any of the above-described forfeitable property, as a results of any act or omission of the defendant:
- a. cannot be located upon exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 21, United States Code,  
Section 846.)

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MICHAEL J. GARICA  
United States Attorney.

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